

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA )  
 )  
 v. ) CRIMINAL NO. 04-10294-GAO  
 )  
 DWIGHT COLE )

JOINT MEMORANDUM PURSUANT TO LOCAL RULE 116.5(A)

The United States of America and defendant Dwight Cole hereby submit this joint memorandum addressing the issues set forth in Local Rule 116.5(A)(1) through (A)(7).

(A) (1)

The parties do not at this time seek relief from the timing requirements of Local Rule 116.3.

(A) (2)

The defendant requests discovery concerning expert witnesses under Fed. R. Crim. P. 16(a)(1)(E). The government should respond 30 days before trial. The government requests reciprocal discovery which defendant will provide 14 days before trial.

(A) (3)

The parties at this time do not believe that additional discovery will be needed as a result of future receipt of information, documents, or reports of examinations or tests.

(A) (4)

Defendant seeks a period of 30 days to file pretrial motions. The parties submit that a motion date should be set after the government has had an appropriate time to respond.

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(A) (5)

A period of excludable delay should be ordered under the Speedy Trial Act for the 28 days from the date of the arraignment (November 23, 2004-December 21, 2004), see LR 112(a)(2); and from this date through the date of the filing of defendant's motions.

(A) (6)

Defendant has not decided whether to seek a trial. The government estimates that its case will take two trial days.

(A) (7)

The parties defer to the Court regarding the setting of a final status conference and/or any interim status conference.

United States Attorney

By his attorney,

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